

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #13	CCRB Case #: 201709542	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/09/2017 7:30 AM	Location of Incident: Inside of § 87(2)(b)	Precinct: 76	18 Mo. SOL 5/9/2019	EO SOL 5/9/2019	
Date/Time CV Reported Thu, 11/09/2017 7:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/16/2017 11:35 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Matthew Defendis	12604	951917	NARCBBS
3. POM Richard Reilly	06506	949534	NARCBBS
4. Joey Morales		884384	

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Justin Smith	04574	947497	NARCBBS
2. DT3 Yuriy Manzurov	6399	945427	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C. Joey Morales	Abuse: Det. Joey Morales refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
D.POM Matthew Defendis	Abuse: Police Officer Matthew Defendis refused to provide his name to § 87(2)(b)	§ 87(2)(b)
E.POM Richard Reilly	Abuse: PO Richard Reilly damaged § 87(2)(b)s property.	§ 87(2)(b)

## Case Summary

On November 9, 2017, § 87(2)(b) filed this complaint on behalf of herself and her son, § 87(2)(b) with IAB by phone under IAB log 17-44939. The case was received at the CCRB on November 16, 2017.

On November 9, 2017, at approximately 6:15 a.m., officers from Narcotics Borough Brooklyn South entered and searched § 87(2)(b) in Brooklyn pursuant to a search warrant obtained by PO Richard Reilly (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) his girlfriend, § 87(2)(b) and his sister, § 87(2)(b) were inside of the apartment at that time. § 87(2)(b) was at work when the officers entered and searched the apartment. Unidentified officers told § 87(2)(b) “Get the fuck on the ground,” as they first entered the apartment (**Allegation B: Discourtesy**, § 87(2)(g)). Sgt. Justin Smith called § 87(2)(b) who then returned to the apartment. She asked Det. Joey Morales and PO Matthew Defendis for their names and shield numbers, and Det. Morales replied that she had to get that information from a supervising officer (**Allegation C: Abuse of Authority**, § 87(2)(g)). PO Defendis did not respond to § 87(2)(b) s request (**Allegation D: Abuse of Authority**, § 87(2)(g)). The officers arrested § 87(2)(b) § 87(2)(b) for § 87(2)(b) and left the apartment. A bed frame and a dresser drawer were damaged during the course of PO Reilly’s search of the apartment (**Allegation E: Abuse of Authority**, § 87(2)(g)).

## Findings and Recommendations

### **Allegation A: Abuse of Authority – Officers entered and searched § 87(2)(b) in Brooklyn.**

It is undisputed that officers from Narcotics Borough Brooklyn South entered and searched § 87(2)(b) in Brooklyn on November 9, 2017. It is also undisputed that they did so pursuant to a search warrant that was active at the time (01 Board Review). § 87(2)(g).

### **Allegation B: Discourtesy – Officers spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that a large group of officers entered the apartment, and they all stated, “Get the fuck on the ground,” as they entered § 87(2)(b) s bedroom. He also stated that other officers went into § 87(2)(b) s bedroom, and that these officers also told § 87(2)(b) “Get the fuck on the ground.” § 87(2)(b) could not describe any officers specifically who said this, as he maintained that all of the officers present in the apartment made this statement (02 Board Review).

§ 87(2)(b) did not recall any officer saying “Get the fuck on the ground” when the officers initially entered the apartment, nor did she recall any officer using profanity during the incident (03 Board Review). The investigation did not ever obtain a statement from § 87(2)(b) as she was not cooperative with the investigation’s attempts to contact her.

Sgt. Smith (04 Board Review), PO Defendis (05 Board Review), and PO Reilly (06 Board Review) all stated that they announced their presence as police officers upon entering the apartment, but denied that they or any other officers stated, “Get the fuck on the ground” to any of the civilians. They all denied using any profanity towards any of the civilians during this incident, or hearing any other officer use profanity.

The tactical plan pertaining to this search warrant execution shows that twelve officers were present and would have made the initial entry of the apartment (07 Board Review).

§ 87(2)(g)  
[REDACTED]

**Allegation C: Det. Joey Morales refused to provide his name and shield number to § 87(2)(b)**  
[REDACTED]

§ 87(2)(b) stated that when she arrived at her apartment, she spoke with two officers in the living room (identified by the investigation as Det. Morales and PO Defendis). She alleged that she asked both officers for their names and shield numbers, and that Det. Morales responded that she could obtain that information from PO Reilly, as he was the officer in charge of the case (09 Board Review). Det. Morales has since retired from the NYPD. § 87(2)(g)

**Allegation D: PO Matthew Defendis refused to provide his name and shield number to § 87(2)(b)**  
[REDACTED]

§ 87(2)(b) and § 87(2)(b) both stated the following. Det. Morales and PO Defendis were standing with § 87(2)(b) and § 87(2)(b) in the living room when § 87(2)(b) arrived at § 87(2)(b). § 87(2)(b) asked both officers for their names and shield numbers, and Det. Morales responded that PO Reilly could give her that information. § 87(2)(b) responded that the officers had to provide their names and shield numbers to her themselves, and Det. Morales responded that the conversation was over. PO Defendis responded that he had provided his name or shield number to § 87(2)(b) earlier in the

incident, but he did not ever provide this information to § 87(2)(b) § 87(2)(b) stated that Sgt. Smith provided her with all of the officers' names and shield numbers later in the incident.

§ 87(2)(b) stated that there were approximately six to seven officers present in the living room when § 87(2)(b) arrived at the apartment. He stated that § 87(2)(b) asked all of these officers for their names and shield numbers, and that the only officer who responded was PO Defendis, who told § 87(2)(b) that he had provided his name and shield number to § 87(2)(b) earlier in the incident. PO Defendis did not provide his name and shield number to § 87(2)(b) at that time, however.

PO Defendis also stated that he and Det. Morales were guarding § 87(2)(b) and § 87(2)(b) in the living room when § 87(2)(b) arrived at the apartment. § 87(2)(b) asked about the officers' warrant (which Sgt. Smith showed to § 87(2)(b) and asked PO Defendis for his name and shield number. PO Defendis responded that he had already provided his name and shield number to § 87(2)(b). He then stated his name and shield number to § 87(2)(b).

Sgt. Smith stated that when § 87(2)(b) arrived at the apartment, he explained to her why the officers were in the apartment, and provided her with a copy of the search warrant. § 87(2)(b) reviewed the warrant, and then asked all of the officers present for their names and shield numbers, who provided them verbally. Sgt. Smith could not recall specifically which officers were present for this, but affirmed that PO Defendis was present, and provided his name and shield number to § 87(2)(b) at that time.

PO Reilly stated he was searching a rear bedroom when § 87(2)(b) arrived at the apartment. He denied hearing her ask any officer, including PO Defendis for his name or shield number, and he denied hearing any officer provide his name or shield number to § 87(2)(b).

§ 87(2)(g) [REDACTED]

**Allegation E: Abuse of Authority – PO Richard Reilly damaged § 87(2)(b)'s property.**

§ 87(2)(b) and § 87(2)(b) all stated that a dresser drawer in § 87(2)(b)'s bedroom and a bed frame in a third bedroom in the apartment were damaged after the

officers left the apartment. None of the civilians saw which officer or officers specifically searched this dresser or bedframe or caused this damage. § 87(2)(b) sent photographs to the CCRB showing this alleged damage (10 Board Review, 11 Board Review).

PO Reilly, Sgt. Smith, and PO Defendis all stated that the only officers who actually searched the apartment were PO Reilly and Det. Manzurov. PO Reilly stated that he searched the dresser in § 87(2)(b)'s bedroom and lifted the mattresses from every bed in the apartment, but he denied moving any of the bedframes. PO Reilly denied damaging either of these items or seeing any other officer do so. PO Reilly was shown the photographs provided to the CCRB by § 87(2)(b) and he denied causing any of the damage shown in the photographs. Sgt. Smith and PO Defendis denied causing any of this damage, or seeing PO Reilly or any other officer cause the damage.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has three previous CCRB complaints. § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) has one previous CCRB complaint—§ 87(2)(b).
- PO Reilly has been a member of service for seven years. There are no substantiated allegations on his record. § 87(2)(g).
- PO Defendis has been a member of service for six years. There are no prior allegations on his record.

#### **Mediation, Civil, and Criminal Histories**

- This case was not suitable for mediation, due to § 87(2)(b)'s arrest.
- A notice of claim request was submitted to the NYC Comptroller's Office on January 8, 2018. It will be added to the case file upon its receipt (12 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]
- [REDACTED]  
[REDACTED]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date